



## Article

# Interrogating migration and “illegality”: weaving ethical and epistemological concerns in a research process

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## 1. Introduction

The present article is a result of a reflexive process developed in the course of a research<sup>1</sup> on the construction of illegality in the context of family and migration regulations in Portugal. The analysis focused on the functioning and effects of the 2007 national law which criminalized “marriages of convenience”, defined as marriages involving a person in an undocumented situation, celebrated “with the only purpose of obtaining residency rights” (National Law n. 23/2007). A qualitative case study was developed from 2011 to 2016 on the basis of fieldwork and interviews with both state representatives and married couples involving subjects in an undocumented or precarious residency situation. The resulting dissertation<sup>2</sup> discussed in which ways current mobility and intimacy control policies in the European Union impact in a discriminatory way on the opportunities and constraints faced by specific social categories.

The research process has been an occasion to explore a series of reflections on the epistemological stances involved in social research. I will share a reasoned account of the profound interrogations I went through, delineating how I responded to the specific challenges implied in the object of my research, aiming to detonate questions rather than providing an exhaustive and closed systematization. The ethical issues implied in the object of study and some methodological choices will be presented as a consequence of political and epistemological positionings. Secondly, the categories of “migrant”, “marriage” and “illegality” will be unpacked, underlining the pitfalls of what are often used as apparently neutral institutional and academic classifications. The analysis will subsequently approach the theme of reflexivity and situated gaze, based on the acknowledgment of my social position as a researcher, and of the limitations and opportunities derived from my angle of observation.

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<sup>1</sup> The present contribution is part of my PhD thesis, completed in 2016 at the Institute of Social Sciences of the University of Lisbon. The project was developed in the department of Sociology, specialization in Family, Youth and Gender Relations, with Doctor Marzia Grassi as supervisor, and entirely financed by a publicly funded grant (FCT grant SFRH/BD/72765/2010).

<sup>2</sup> The final dissertation, was entitled “Narratives and counter-narratives on “marriage of convenience”. Conjugality and (il)legality in Portuguese migration policies and in couples’ experiences”, and was approved in the University of Lisbon on March 30<sup>th</sup>, 2016.

## 2. Policy oriented research

My academic trajectory has been driven by a desire of critically engaging, albeit from an inevitably privileged social position, with the power asymmetries on which social inequalities are constructed in different contexts. I consider this a means to reflect on my own position in society and to enable transformative reactions, even if at an extremely small scale. This action-oriented spirit needs to be acknowledged, since it has greatly influenced my approach to the PhD research. By interrogating the social mechanisms in which the couples are embedded, my research also responded to a wish of contributing to on-going conversations about citizenship, social stratification and the meaning of borders.

The investigation originated from the desire to study the underlying mechanisms of restrictive migration policies and the repercussions of these policies in the everyday lives of individuals. In particular, one of my founding motivations in approaching the theme of migration control was a discomfort felt in the observation of the essentialist and criminalizing public discourse on “undocumented migration” in the contemporary European context. I therefore embedded my research in a critical perspective on the selective paradigms that regulate the access, settlement, and citizenship rights of subjects engaged in transnational mobility.

Engaging directly with the constellation of issues related to undocumented lives during previous fieldwork<sup>3</sup> in the area, allowed a first empirical observation of the institutional limitations imposed to transnational couples. This encouraged me to focus on the interplay between processes of international mobility, conjugal behaviours, and normative frameworks through a qualitative study. Since the control of conjugal ties as a basis for residency rights had recently been scaled up in Portuguese migration legislation, I decided to engage in a case study of the mechanisms and repercussions of such policies in this delimited socio-political and geographical context.

The overarching and explicit purpose of my academic engagement, based on my exploratory field observations, is thus to uncover the historically and institutionally situated production of “illegality”, and to unsettle normative discourses regarding human mobility and its categorization. This perspective is seen to offer insights into what the policies and practices observed in “marriage of convenience” control can tell us about how social relations are re(produced) in the wider political context, and identify possible spaces of resistance or negotiation. Namely, this occurred by observing in which ways law produces its “outside”, excluding the undesirable/disposable *others*, as well as producing an “inside”, that is, a construction of which are to be considered the “legitimate members” of Portuguese society.

In this context, the choice of developing my analysis based on empirical data originated in my desire to complement the studies available on the sociology of the family and migration in Portugal. The case study was designed to expose the underpinnings of restrictive policies on marriage and migration, the practical application of such paradigms in the context of the Portuguese migration regime, and the ways in which subjects living in transnational conjugalities interact with such mechanisms.

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<sup>3</sup> International research project “Migratory trajectories from Africa, illegality and gender” coordinated by Marzia Grassi at the Institute of Social Sciences ICS-University of Lisbon (PIHM/GC/0046/2008), which resulted in a collective publication (Grassi and Giuffr  2013).

The evolution of the object of study and epistemological and ethical underpinnings have been crucial in defining the methods for the case study, which were designed as flexible tools, adaptable to the specificities of a field involving constant transformations. I decided to base the research mainly on interviews, converging on the micro-level interactions of couples with the state administration, as well as observational and documental data collected in Portugal. On the basis of the counter-narratives of human beings who are dealing with its tangible effects, I expose the inconsistencies of the regulatory system, inserting in the picture the discontinuities, ruptures, and shifts of transnational life experiences.

The study aimed to move towards integrating in the picture empirical material on couples' everyday experiences and direct interactions with the bureaucratic system. As a growing body of research attests (Charsley 2005, Riaño 2011), empirical approaches potentially shed light on some relatively blind spots in this specific area of research, where a great part of the literature focuses on official policies and on administrative management, rather than on couples' lived experiences. This method is seen as a way to produce richer investigations on the underpinnings and repercussions of polarized institutional formulas, taking into consideration the perceptions, representations and reactions of the actors involved.

The search for appropriate analytical frameworks to approach the theme of "marriage of convenience" discourse and practice in Portugal resulted in the adoption of a transnational approach (Levitt and Glick Schiller 2004, Bryceson and Vuorela 2002), as well as the incorporation of contributions stemming from bordering (Van Houtum et al. 2002), civic stratification (Kofman 2002) and intersectionality theories (Crenshaw 1991, Hooks 2015 [1981], Yuval Davis 2011). The transversal analytical lens I use to link such theoretical articulations is based on a gender perspective. During the research process my gender perspective complexified, moving beyond the depoliticized observation of differences between men and women's mobility trajectories, to which the scope of migration-related studies is sometimes limited. This shift led me to unpack the gendered power relations involved in public policies, and how these are inserted in broader, intersectional asymmetries (Hondagneu-Sotelo 2011, Kofman 2002, Gregorio Gil 2009).

Gender, considered as more than a simple category, was used as an encompassing theoretical tool to reflect on the (re)production of knowledge and power, with the support of feminist theories. For instance, the academic literature emphasizing the processes of subordination enabled by gendered opportunities and interpretations of society have inspired my interpretation of similar hierarchization mechanisms involving migrants. This perspective emphasizes the dynamic development of social differentiations, and goes beyond just "adding women", or "adding migrants", to the picture (Hondagneu-Sotelo 2011, Mahler and Pessar 2006). The standpoint I adopt rather entails acknowledging the gendered relations of power and social constructions implied in the mechanisms under observation in the case study. I intended to observe how conjugality interacts with mechanisms of inclusion and exclusion based on other social categories, including nationality, migration status and socioeconomic class. For instance, a gender perspective enables me to explore the ways in which women, both migrant and non-migrant, are treated by government institutions as inherently vulnerable subjects in need of "protection", as well as the ways in which socioeconomic status interacts with this process. Similarly, fed by concerns detonated by

feminist contributions in the social sciences (Gregorio Gil 2009, Blázquez et al. 2010), I was able to grasp how policies not only are criminalizing certain social profiles, but actively hinder women's emancipation by binding their residency to their husband's, and judging their behavior with double moral (Gonzalez and Bacci 2015). Gender is used in this sense as an encompassing methodological support influencing all phases of the research, from the epistemological framework to the research design and the interpretation of data.

The considerations I developed in my analysis are based on a perspective considering borders not only as material and territorial signs of delimitation, but also as imaginary lines shaping social relations at various levels simultaneously (cf. Van Houtum et al. 2002). The border, in all its connotations, is considered a fertile analytical space to inquire into social relations, while also exposing contradictions and gaps in our forms of knowledge production. My starting point is the idea that academic production *also* plays a role in bordering,<sup>4</sup> since it inevitably involves both classification efforts and their problematization, contributing to particular configurations of social order. As Henk Van Houtum comments in his reflections on bordering, "it is precisely in the unfamiliarity of this in-between and beyond-space that we are challenged to unbound our thinking and practices" (Van Houtum, 2005, 3).

### 3. Challenges in the selection of the object of study

Transnational couples have been chosen as protagonists of the case study because they may be seen to embody many of the contradictions and mechanisms of contemporary bordering, and provide particularly vivid examples of the prescriptive function of legislation and its categories<sup>5</sup>. These relationships - and the way they are classified and recognized - constitute a space of interaction where power dynamics articulating through state, gender, and class are particularly visible. The processes involved in the control of the couples' conjugal trajectories underline the need for reconsidering the impacts of state rhetoric and regulations on the lives of individuals who *cross borders* or, as we may rather argue, whose lives *are crossed* by borders. At the same time, rather than seeing these subjects as passive recipients of policies, the case study reveals the extent to which the couples' practices are capable of subverting and producing infinite nuances in the imposed categories. The research participants' representations and practices are discussed as active interventions shaping the outcomes of the contemporary regulatory system. Their marriages may indeed be seen as a crossroads, contributing to challenge both the border and the neat administrative categories used to perpetuate the current social order.

The fieldwork, conducted under these premises, systematically revealed the tension between the monolithic institutional imaginary regarding illegality, and the mosaic of everyday practices of individuals engaging in mobility. This in turn allowed to explore the limitations of state authorities' binary portrayals of inter-status marriages as either cynical vehicles for immigration benefits, or as "genuine" relationships based on idealized romantic love notions and normative family standards.

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<sup>4</sup> The concept of bordering is here used to comprise the multilevel socio-political processes producing categories of difference which take place wherever a specific border has impacts, is represented, negotiated or contested (Kolossoff et al. 2012).

<sup>5</sup> For a more detailed description of the PhD fieldwork, refer to Bacci Tamburlini (2014, 2016).

The way in which I conceptualize the case study is in this sense indebted to the reflections of the sociologist Abdelmalek Sayad. I consider particularly stimulating this author's acknowledgment of the "secret virtue" of migration: for Sayad, this virtue lies on its capacity to mirror the limits of the state's intrinsic essence, which is to discriminate between "nationals" and "others". As Sayad himself suggests, to think about immigration is to think about the state, and the state "thinks itself" by thinking immigration (Sayad 1999a:6, my translation). Building on this line of thought, we may consider migration in general as a perturbing presence, challenging the state's mythical homogeneity in the political, social and economic senses, as well as exposing the porosity of its margins.

I set to interrogate the body of work defined as migration studies from a methodological perspective that seeks to overcome the predominant focus on nationally- or ethnically-delimited "target groups". Without belittling the advantages of producing studies with a detailed knowledge of the participants' backgrounds and geographical origins, I would argue that nationality is often used *by default* as a founding category for migration studies. Namely, it is a naturalized -but potentially essentialist- procedure in migration studies, to choose categories which are seen to represent a specific national (or ethnic) "community", as if they could be considered as a homogeneous group, or as a self-delimiting object of study. Formal nationality may correspond only partially to processes of belonging and individual ties to a place, such as may be the case of children born in Portugal who are attributed the parents' nationalities even though they may never have been to the corresponding country. I opted for not delimiting my research to migrants from only one country or so-called ethnic background: such decision is considered a step towards building categories based on individual trajectories and life experiences, rather than on the basis of birth or residency documents emitted by nation states. Moreover, by choosing the theme of conjugality I extend such logic further, expanding the fieldwork beyond the group of individuals framed as migrants to include individuals holding Portuguese or European nationality.

The research was designed with the intention to avoid treating migrants as a separate section of society, but rather as social actors with practices – in this case, conjugal practices – which are interwoven with the practices of formally recognized Portuguese citizens. This choice is based on the acknowledgement that social life takes place "across borders" (Levitt and Jaworsky, 2007, 129, emphasis added), but also that borders, material or symbolic, migratory or social, may have effects *within* national territories as well. In my approach, migrants and non-migrants are thus seen as differentiated by legal status, but bearing similar processes of social stratification, based on transversal markers of difference such as gender and class.

Focusing on the articulation between marriage and migration is considered to be a way of shifting away from public discourses justifying the proliferation of spectacular enforcements, detention centres and walls. These visible enactments of "Fortress Europe", invariably frame migration as an "emergency" matter and as an *external* process taking place at its frontiers. I deem important to think beyond this paradigm of exceptionality, and consider how the effects of mobility and its control are permeating our whole society, and the way it is institutionally ordered. This somehow reversed perspective fosters a deeper reflection on how exclusionary dynamics operate in conditions of "normality", through routine administrative practices, by building more subtle – but similarly discrimi-

nating – social borders. Additionally, I propose to stretch the discussion to a more radical questioning of the legitimacy of state interferences in family life through migration law, including a challenge to the state-imposed gendered normativity in terms of authorized conjugal forms. This research frame might play a role in untangling crystallized equations based on state mentality, such as those linking rights of residency to specific (and increasingly limited) types of family relationships. Deconstructing state assumptions opens space for debates exploring the possibilities of autonomous recognition of residency rights for individuals.

#### **4. Approaching the field of gender and migration: Unpacking standard categories**

In the case of “marriages of convenience”, public discourse evokes on one hand illegality, criminal networks, fraudulence and deceptive intentions of migrant spouses. On the other, it adopts notions of legality, security, protection, genuine love and “family interests”. Such binary discourses may be considered a tool to maintain social order, on one side promoting the criminalization of migratory practices, and on the other side the imposition of normative integration models. To look beyond these opposing imaginaries, enables a critical stance on both stigmatizing and “humanist” institutional readings, and avoids reinforcing a policing perspective viewing migrants as either perpetrators or victims. I defend that more complex depictions of the experience of migration, including its productive and creative aspects, would be beneficial to a deeper understanding of social processes beyond narrowly delimited categories.

Similarly, I wished to contribute to useful and politicized debates on state power and what could be framed as “dissident” behaviour. I reckon that depoliticized readings of social sciences as neutral tools to appraise reality is contributing to omit how state categories do not necessarily correspond to self-evident and universally recognized social groups, but may instead conceptually reflect power relations and social stratification. Acknowledging the situated nature of migration policies allows to explore how these processes of social control are strictly related to colonial relationships and its legacies, such as the unequal global distribution of labour and resources.

In addition, the forms chosen for the academic classification of human beings and practices constitutes an epistemological and, as added by Nicholas De Genova (2002), necessarily political choice. The production of academically legitimated studies reproducing state mentality feeds into categorizations of migrants as “others”, reinforcing the current paradigms of securitarian intervention. This should suggest an increased awareness on behalf of researchers of the risk of supporting such categories, and consequently producing weakly grounded and discriminatory discourse and practice on behalf of state institutions.

The concerns regarding researchers’ responsibilities in selecting the object of study in contemporary migration studies (Sciortino 2004, De Genova 2002), had a crucial influence on the research design. A critical and reflexive stance suggests avoiding an inaccurate usage of essentialist and stigmatizing depictions of subjects categorized as migrants. Reading critical scholarship which condemns the over-generalizing and homogenizing depiction of marginalized groups (Yuval-Davis 2011, Stolke 2006, Sayad 1999b) also provoked some perplexities regarding the application of categories in my own approach to

fieldwork. For instance, to use uncritically categories such as "marriage of convenience", would have meant abiding by the institutional system of selection, which validates the notion of "convenience" associated to a migratory advantage as a measurable and self-defining notion. The fact of choosing, conversely, to study the conditions of the creation of such a category, its application, and its repercussions, derives from an epistemological stance considering territorial and social borders and all their ramifications as constructions, which can be observed as on-going processes rather than static social facts.

## 5. Reflexivity and situated knowledge

The interpretation of reality I aimed at in the development of the research is not aimed at an aseptic, apolitical, "neutral" theoretical exercise. Rather, it aims to contribute at creating new interrogations, questioning the naturalization of the social stratification paradigms implied in mobility control policies. This undertaking required a reflection on the conditions in which I am producing knowledge in an academic framework, with the valuable support of epistemological theories from various branches of sociology (Blázquez Graf et al. 2010), gender studies (Gil Araujo 2010), anthropology and philosophy (Harding 1993, Glick Schiller 2005, Sayad 1999a). Most importantly, in order to adapt to the development of the fieldwork I attempted to maintain my inquiry porous and open-ended.

During the choice of my object of study, an important initial step was to focus on how I would position myself with regard to the research I was developing, and the interactions with the actors involved. This effort pushed me, for instance, to acknowledge and reflect on how my identity, social and political location would affect the research process. This implies inquiring as to the ways in which this unique position influences the questions I ask and the answers I find, as well as the way I collect and analyse data. As feminist epistemologists in particular have emphasized, "knowledge claims are always socially situated" (Harding, 1993, 54), meaning that we, as researchers, need to be particularly cautious of producing generalizations, and recognize the perspective from which we are speaking.

Based on this framework, I felt the need to explicitly express my own characteristics as a white, European, middle-class young woman, and what they implied for the study I was developing. These characteristics may be seen as some of the constitutive features shaping my social life as well as my academic involvement. All of these attributes symbolize privilege and/or oppression in the context of the relations I experience and observe, and it is important to recognize how this situates me in the multiple structures of inequalities implied in the society in which I participate (Cf. Gonzalez and Bacci 2015)<sup>6</sup>. Yet, the researcher's location, as well as her insider/outsider status, may not be considered as fixed categories, but are rather negotiated in the research process, depending on the researcher's "multiple and shifting positionalities" (Cukut Krilić, 2011, 161).

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<sup>6</sup> These epistemological reflections, and their articulation with processes of institutional (re)victimization, derived in part from an inspiring research secondment at the UnCuyo-University of Mendoza, Argentina. In particular, I am indebted to Patricia Gonzalez Prado from the gender violence research team, with whom I had the pleasure to collaborate in the context of the project GENDERCIT-Gender and Citizenship, funded by the Marie Curie Actions of the European Union's Seventh Framework Programme -FP7/ 2007-2013, coordinated in Portugal by Marzia Grassi at ICS-University of Lisbon.

In the context of my case study, the fact that I was a non-national researcher, albeit one from a country belonging to the European Union (and thus benefiting from “free circulation” policies), embedded me in a mix of outsider and insider statuses, which had significant repercussions on the development of the fieldwork. Conducting my research in a country, where I have only resided for the last seven years, resulted in that I was perceived by research participants as a distinctly non-Portuguese citizen, and characterized as an external observer. This ambivalent perception played an important role in filtering the attitudes of interviewees, and had an effect on the amount and type of information that they would share with me. On one hand, although often classified as a foreigner or expatriate, interlocutors never classified me as a “migrant”. I felt I was generally viewed as being in a privileged social status, inclusively because of my representation as a researcher, which often appeared to overshadow my condition of “foreignness”. On the other hand, the simple fact of having to navigate the processes of adaptation to Portuguese society and, similarly to most of the couples, face the local administration and bureaucracy, in many occasions promoted a sort of intrinsic solidarity. This attitude, and the fact that most of these interlocutors tended to see me as a more *neutral* observer because I came from abroad, appeared to facilitate their sharing of critical views on what they perceived as the most disturbing practices of the state institutions in charge of marriage and migration control.

Conversely, when I interacted with institutional representatives in my role of researcher, at times I had the impression that they were trying to convince me of the effectiveness of policing techniques in deterring criminals and protecting vulnerable citizens. During some interviews I felt that the implicit assumption was that I, as a European citizen, had a vested interest in the “safeguard” of the Schengen space. This expectation was highly beneficial when collecting material, as it offered extremely valuable insights into how they gave meaning to their role, and on what happens in the interstices between discourse, law and practice.

The aforementioned issues inspired a deeper reflection on my position as a researcher. I observed in what ways I was inserted in broader institutional scientific policies that tend to construct internal hierarchies between disciplines, methods, and different career levels or places of enunciation. I consider this awareness crucial, due to the close relationship between knowledge and power relations. As the philosopher and sociologist Edgar Morin articulates, this link may be seen as not just a product of social inequalities, but also as a producer of them (Morin 1989). In this context, the information legitimated as “scientific knowledge” should be carefully assessed as a potential tool which, through bordering mechanisms, reproduces social hierarchies, inclusively defining the boundaries between belonging and non-belonging human beings. According to this perspective, we scholars are not neutral observers producing objective data, and need to be explicit about our positioning in the research relationship.

In particular, the fact that the PhD research was funded with a state scholarship could be seen as an interference with my autonomy of judgment concerning state-driven migration policies. The potential impact of this condition suggests a thorough reflection on whose interests were served by my investigation. This type of research potentially reinforces the state’s control devices, by exposing irregular migration processes, and possibly feeding into the justification of policing practices. As I will defend later in the next sec-



tions, I strived to reduce these drawbacks, by carefully selecting the information I shared in publications.

The contextualization of the research also comprised acknowledging the impact of temporal factors, determined by the fact that I am studying a contemporary phenomenon, with all the limitations this can imply for a broader visualization of trends and long-term evolutions. Lastly, I am aware that a limited geographical domain and perspective circumscribed my research, reducing the possibility of generalization by exposing me to phenomena and literature mainly produced in the “Western” world.

One of the additional issues concerning the production of knowledge, arising as I started to write, has been the choice of the language of the publications deriving from my research. Although this choice was based on pragmatic considerations, I fully acknowledge the limitations of writing in English, which is not a universally understood language in the location of my case study. Namely, I was interested in using this research as a platform for dialogue with researchers who have critically engaged with my topics in other geographies, most of whom are using English as an international “bridging” language. Yet, this choice does not entail that I uncritically accept English as the leading language in my research area: rather, I deem most European mechanisms of publication considerably biased in this sense. I have responded to this challenge by producing texts and presentations exposing some of my reflections in other languages, in order to broaden the scope of dialogue on my research themes. Additionally, I have made an effort to refer to literature written in other languages, namely French, Spanish, Portuguese and Italian. This diversity of reference material often allows us to reach out to alternative epistemologies<sup>7</sup> and research “traditions”, as well as geographically diverse case study locations. Moreover, with the aim of contributing to a broader diffusion and hopefully an enlarged debate regarding public policies towards human mobility, in the future I aim to produce materials in a more widely accessible format, going beyond the academic sphere and written production.

## 6. Applying ethical considerations in the choice of methods and dissemination of data

Working with interlocutors who are currently in an “undocumented” situation exposed me to key ethical issues, since I planned to collect sensitive information that could potentially hinder the subjects’ regularization or legal status. Due to the themes treated, including practices liable to penal prosecution, a cautious ethical framework was applied to the research methods, to avoid infringing the rights of research participants (Anderson and Ruhs 2010, Düvell et al. 2008). As a result, I made an effort to produce a research grounded in the idea of a participatory approach to the construction of knowledge, that would be “available” and, although indirectly, “useful” to the subjects involved in first person in the social mechanism under observation (Segato, 2012).

The fieldwork was planned with awareness of the challenges involved in contacting individuals that in some cases had less visibility and much-reduced negotiating power over the representations regarding them. Additionally, I had to deal with the inevitable

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<sup>7</sup> For a discussion of criticisms to Eurocentric or “Western” epistemologies, confront the work of Gayatri Spivak (1994) or Castro-Gómez and Grosfoguel (2007).

ambiguity of working with research participants who are depositaries of various markers of “vulnerability”, such as insecure legal and socioeconomic status, stigmatized nationalities, or generically living in disadvantaged and gendered power relations. Furthermore, the process of selection and editing of the collected voices, and of the themes that would eventually be exposed in the dissertation, as well as the thesis’s interpretation, introduce in themselves non-explicit power relations towards the subjects, which should not be overlooked (Blázquez Graf et al. 2010). I responded to this challenge during the analysis of the interviews by systematically soliciting the opinions and inputs of the research participants who were willing to contribute, inquiring whether my reflections and conclusions made sense to those who had lived the experience in the first place.

As a response to ethical concerns regarding informed consent, I devoted great care to explaining in depth the scope and aims of my research before starting the interviews. Believing that there needed to be a previous agreement on the use of data, I provided detailed information on the possible academic uses of the stories collected. I always asked permission to record and transcribe all interviews, except in two cases where I renounced to recording because the information shared was deemed more delicate in terms of the possibility of penal prosecution.

My interactions with law enforcers also required a reflection on ethical implications. I decided that I would not use information provided “off the record”, by which I mean comments that my interlocutors had explicitly asked me to omit in published texts. When the couple’s interviews revealed discriminatory or inconsistent acts performed by state representatives while carrying out their duties, the individual functionaries’ identities or workplaces were not disseminated. This option responds to the need of making stratification mechanisms visible, while at the same time avoiding sensationalist and individually blaming divulgations. In this way I aimed to avoid the stigmatization of specific functionaries based on their practices (cf. Pussetti and Barros 2012),<sup>8</sup> since I perceive discriminatory practices as mostly stemming from the institutional framework, rather than from merely individual choices or un-professional attitudes. Although this thesis collects a range of critical visions on the bureaucratic system, the objective is not to evaluate the contingent aspects relating to the “quality of public service”, but rather to study broader illegalization mechanisms.

Granting anonymity has been a basic feature of my approach to interlocutors, due to the fact that I was operating in a context in which the main protagonists of my research may suffer unintended consequences of my research. After gathering the data, I scrutinized and edited it to avoid possible elements of identification of the interviewees. Even though the integral transcripts were never made public, I used pseudonyms to identify the interviewees and personally transcribed the interviews deleting any reference that could potentially identify them. The anonymization included the substitution of a range of data to make the information more generic, including the insertion of years instead of

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<sup>8</sup> As Chiara Pussetti and Vítor Barros put it, we may expose the “inner contradictions of political discourse and programs – not necessarily seeing in them conspiracy or social control theories”. This means analyzing “the systematic construction of social support projects and the justifications they are based upon – it doesn’t mean doubting their good intentions. It means studying the explanations and attitudes of the social field professionals in a historical-political context of power relations at various levels - it doesn’t mean denouncing whatever type of incompetency or bad faith” (Pussetti and Barros 2012:9, my translation).

precise dates, countries of birth instead of cities, and very broad areas of activity instead of workplaces or professions. These precautions were activated for both Portuguese and other nationals, since both groups could be subjected to illegalization and stigma because of their practices. To guarantee confidentiality, I only interviewed individuals with whom I could communicate directly, in order to avoid recurring to interpreters. Notwithstanding these safeguards, the perception of the stigma surrounding undocumented status, as well as the fear of sharing sensitive information with an unknown person, prevented several potential interviewees from participating.

The conditions of data dissemination were similarly object of scrutiny, confronting me with a wide range of challenges, such as the contradictions implied in producing knowledge which could potentially be used for state policing purposes. In this sense, I adopted the stance suggested by Franck Düvell, arguing that "research in irregular migration must be conducted and disseminated in a way that prevents enforcement agencies from identifying the whereabouts of individual or collectives of irregular immigrants. Research must also avoid disclosing information that facilitates enforcement agencies' planning and operations" (Düvell et al. 2008, 28).

In particular, this choice was based on the perceived need to minimize the potential abuse of the data collected, which in the case of the present case study could have been based, for instance, on government control motivations. I was conscious of the potential dangers of data being generalized and manipulated out of its context, providing backing for criminalizing discourses or restrictive policies. Moreover, in the course of the research I considered it important to avoid framing the practices of migrants as strategies to obtain residency documents, as doing so would reinforce the current policing paradigms and imply an uncritical acceptance of institutional categories. Describing the details of the means by which couples sought to overcome administrative obstacles could additionally be seen as an ethical dilemma. While on one hand it could serve the objective of producing accurate accounts regarding the capacity of subjects to challenge/subvert normativity and legislation, it could at the same time reveal practices that could potentially become targets of institutional repression, reinforcing institutional control. I therefore attempted to present data in a form that exposes the nuances of actual social interactions, while making an effort to process and disseminate only the data, which was strictly necessary to the development of the analysis and discussion.

In dealing with data dissemination issues, the research involved an effort to balance between two diverging positions. On one hand, avoiding the controversial theme of migrant "illegality" would implicitly overlook processes of subordination and marginalizing mechanisms, as well as the point of view of the subjects who are directly involved. On the other hand, exposing practices constructed as "illegal" processes risked reinforcing stereotypical visions of migrants and thus contributing to the justification of governmental control. Collecting data with a constant attention to these inevitable contradictions might contribute to what De Genova calls a critical perspective that is not "complicit with the naturalization of migrant 'illegality'" (De Genova, 2002, 423). The stance I adopt is that the careful recounting of the complexities and fluidities of social interaction that emerge in the field constitutes a potential antidote to the misuse of data, as it undermines the stereotypical and criminalizing framing of migration issues.

## 7. Concluding reflections

In the context of a broader reflection on the production of knowledge in social studies, I seized the opportunity of this publication to reconsider the reasoning and implications underlying my specific approach to my object of study. This included the description of the specific articulation between the epistemological framework, the theoretical underpinnings and the stimulations derived from the fieldwork conducted in Portugal. I acknowledged the inevitable ethical and practical dilemmas involved in researching undocumented migration issues, acknowledging the challenges encountered in terms of specific ethical issues linked to the investigation of intimacy and “illegality”. Due to the socially sensitive theme of this research and its association with practices criminalized as fraudulent and “illegal”, I described how the possible uses of the data I collected have been a constant concern throughout the research process.

I argued that treating currently used categories as unquestionable, as well as the lack of acknowledgement of the power relations that these categories imply, risks reinforcing the social hierarchies based on residency status by naturalizing them. Making explicit my critical stance towards the underpinnings of securitarian approaches to migration and the role of academia in sustaining them, included a discussion of the epistemological and ethical pitfalls in which we may fall as researchers. Yet, I argue that these can be reduced by adopting a case-specific ethical framework, and a research approach conscious of the researcher’s position in society at large, through the consistent recognition and disclosure of the epistemological and political dimensions of research choices.

The chapter exposed also the context in which the thesis was developed, my social position as a researcher, and acknowledged some of the material context and power relations in which I worked. The epistemological approach, research methods and the way I would share the collected information were devised so as to avoid contributing to processes of othering, victimization, policing, and criminalization, which I had the chance to observe both in the management of migratory policies and in the knowledge that circulated on migrants.

The methodology of this research is based on the assumption that reducing the above-mentioned hazards requires a continuous practice of reflexivity and adaptation. In this sense, the approach to the epistemological, ethical, and practical challenges described represents the exploration of possible paths for more epistemologically and ethically sensitive research agendas. This effort should not be seen as a finite process, but rather feed into systematic and constructive debates on our social contribution as researchers. I argue that as researchers we need to deepen our appreciation of the particular ways in which both state and academic categories contribute to particular configurations of social hierarchies, if we wish to unpack the exclusive and inclusive mechanisms operating in specific societies.

## 8. Bibliography

- Anderson, B., & Ruhs, M. (2010). Researching Illegality in Labour Migration: Concepts, Ethics and Policy Nexus. *Population, Space and Place*, 16 (3), 175-179.
- Bacci, M. (2014). Security, protection and family norms: Gendered and selective regula-

- tions of marriage and migration in Italy and Portugal. *Journal for Educators, Teachers and Trainers*, Vol. 5(3), 141 – 155.
- \_\_\_\_\_. (2016). Illegalization and social inequality in the regulation of marriage and migration control in Portugal. In M. Grassi & T. Ferreira. *Mobility and Family in Transnational Space*. UK: Cambridge Scholars Publishing, 31-54.
- Blázquez, N., Flores, F., Rios, M. (eds.). (2010). *Investigación feminista: epistemología, metodología y representaciones sociales*. Cd. De México: UNAM/ centro de investigaciones interdisciplinarias en ciencias y humanidades.
- Bryceson, D. & Vuorela, U. (eds.) (2002). *The Transnational Family: New European Frontiers and Global Networks*. UK: Bloomsbury Academic.
- Castro-Gómez, S., Grosfoguel, R. (2007). *El giro decolonial. Reflexiones para una diversidad epistémica más allá del capitalismo global*. Bogotá: Siglo del hombre Editores.
- Charsley, K. (2005). Unhappy husbands: Masculinity and migration in transnational Pakistani marriages. *Journal of the Royal Anthropological Institute*, 11(1), 85–105.
- Crenshaw, K. (1991). Mapping the margins: Intersectionality, identity politics and violence against women of color. *Stanford Law Review*, 43(6), 1241–1299.
- Cukut, S. (2011). The Role of Ethnicity in Qualitative Migration Research. *Migracijske I Etničke Teme*, 27 (2), 161–175.
- De Genova, N. (2002). Migrant “illegality” and deportability in everyday life. *Annual Review of Anthropology*, 31, 419–447.
- Duvell F, Triandafyllidou A, Vollmer B. (2008). Ethical issues in irregular migration research. [Report] Report on Ethical Issues, Deliverable D2 prepared for Work Package 2 of the research project CLANDESTINO Undocumented Migration: Counting the Uncountable. Data and Trends Across Europe, funded by the 6th Framework Programme for Research and Technological Development Research DG, European Commission. Recuperado de [http://irregularmigration.net/typo3\\_upload/groups/31/4.Background\\_Information/4.1.Methodology/EthicalIssuesIrregularMigration\\_Clandestino\\_Report\\_Nov09.pdf](http://irregularmigration.net/typo3_upload/groups/31/4.Background_Information/4.1.Methodology/EthicalIssuesIrregularMigration_Clandestino_Report_Nov09.pdf), (20/04/2019).
- Gil, S. (2010). Una sociología (de las migraciones) para la resistencia. *EMPIRIA. Revista de Metodología de Ciencias Sociales*, 19, 235–249.
- Glick, N. (2005). Transnational social fields and imperialism. *Anthropological Theory*, 5(4), 439–461.
- Gonzalez, P., Bacci, M. (2015). Mujeres-vulnerables, Mujeres-víctimas. Explorando perspectivas críticas sobre categorizaciones y prácticas institucionales en situaciones de violencia patriarcal y migración. *Tramas/Maepova*, 3(4), 121–135.
- Government of Portugal. (2007). Law no 23/2007. Government of Portugal. Recuperado de [http://www.sef.pt/documentos/56/Act29\\_2012ofAugust9.pdf](http://www.sef.pt/documentos/56/Act29_2012ofAugust9.pdf), (20/04/2019).
- Grassi, M., & Giuffré, M. (2013). *Vite (il)legali. Migranti africani in Italia e Portogallo*. Italia: SEID.
- Gregorio, C. (2009). Colonizando los cuerpos: fronteras en la representación de las «mujeres inmigrantes». *Cuadernos del Ateneo*, 28, 47–56.
- Grosfoguel, R. (2012). *Sujetos coloniales: una perspectiva global de las migraciones*. Ecuador: Abya Yala.
- Harding, S. (1993). Rethinking Standpoint Epistemology: What is “Strong Objectivity.” In L. Alcoff, y E., Potter. *Feminist Epistemologies* (pp.49-82). London: Routledge.

- Hondagneu, P. (2011). Gender and Migration Scholarship: An Overview from a 21st Century Perspective. *Migraciones Internacionales*, 6(1), 219–233.
- Hooks, B. (2015). *Ain't I A Woman: Black Women and Feminism*. London: Routledge.
- Kofman, E. (2002). Contemporary European migrations, civic stratification and citizenship. *Political Geography*, 21(8), 1035–1054.
- Kolossov, V.(ed). (2012). EU borderscapes project. State of the Debate Report I. [report] European Commission. Recuperado de [http://www.euborderscapes.eu/fileadmin/user\\_upload/EUBORDERSCAPES\\_State\\_of\\_Debate\\_Report\\_1.pdf](http://www.euborderscapes.eu/fileadmin/user_upload/EUBORDERSCAPES_State_of_Debate_Report_1.pdf), (20/04/2019).
- Levitt, P., Glick, N. (2004). Conceptualizing Simultaneity: A Transnational Social Field Perspective on Society. *International Migration Review*, 38(145), 1002–1039.
- Levitt, P., Jaworsky, N. (2007). Transnational Migration Studies: Past Developments and Future Trends. *Annual Review of Sociology*, 33, 129–156.
- Mahler, S., & Pessar, P. (2006). Gender Matters: Ethnographers Bring Gender from the Periphery toward the Core of Migration Studies. *International Migration Review*, 40(1), 27–63.
- Morin, E. (1989). Para uma sociologia do conhecimento. *Sociologia, Problemas e Práticas*, 6, 135–146.
- Pussetti, Ch., & Barros, V. (2012). Outros corpos: imigração, saúde e etnopolíticas da cidadania. *Saúde e Multiculturalidade*, 22, 23–31.
- Riaño, Y. (2011). “He’s the Swiss citizen, I’m the foreign spouse’: Binational marriages and the impact of family-related migration policies on gender relations. In A. Kraler, E. Kofman, M. Kohli M., C. Schmoll. *Gender, Generations and the Family in International Migration*. Amsterdam: University Press, 265–283.
- Sayad, A. (1999a). Immigration et “pensée d’État.” *Actes de la Recherche en Sciences Sociales*, 129(Délits d’immigration), 5–14.
- Sayad, A. (1999b). *La double absence. Des illusions de l’émigré aux souffrances de l’immigré*. Paris: Le Seuil.
- Sciortino, G. (2004). Between phantoms and necessary evils. Some critical points in the study of irregular migrations to Western Europe. *IMIS-Beiträge Institute for Migration Research and Intercultural Studies (IMIS)*, Osnabrück, 24 (Special Issue “Migration and the regulation of social integration”), 17–44.
- Segato, R. (2012). Género e colonialidade: em busca de chaves de leitura e de um vocabulário estratégico decolonial. *e-cadernos CES*, 18, 106–131.
- Spivak, G. (1994). Can the Subaltern Speak? In *Colonial discourse and post-colonial theory*, edited by Williams, Patrick and Chrisman Laura. Columbia: Columbia University Press, 66–111.
- Stolke, V. (2006). O enigma das intersecções: classe, “raça”, sexo, sexualidade. A formação dos impérios transatlânticos do século XVI ao XIX. *Estudos Feministas*, 14(1), 15–42.
- Van Houtum, H., Kramsch, O., & Zierhofer, W. (eds). . (2005). *B/ordering space*. Ashgate.
- Van Houtum, Henk, & Van Naerssen, Ton (2002). Bordering, ordering and othering. *Tijdschrift Voor Economische En Sociale Geografie*, 93(2), 125–136.
- Yuval Davis, Nira. (2011). *Power, Intersectionality and the Politics of Belonging* (No. Working Paper Series n. 75). Aalborg: Institut for Kultur og Globale Studier, Aalborg Universitet.

## **9. Sitografia**

[http://www.sef.pt/documentos/56/Act29\\_2012ofAugust9.pdf](http://www.sef.pt/documentos/56/Act29_2012ofAugust9.pdf), (20/04/2019).